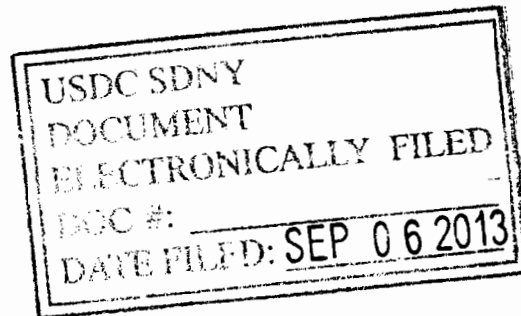


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August 26, 2013

BY FACSIMILE

The Honorable Laura Taylor Swain  
United States District Court  
for the Southern District of New York  
500 Pearl Street  
New York, New York 10007

**MEMO ENDORSED**

Re: **In re American International Group, Inc., ERISA Litigation II,**  
**Master File No. 08-CV-5722 (LTS) (DCF)**

Dear Judge Swain:

We represent Defendant American International Group, Inc. and certain Individual Defendants<sup>1</sup> in the above-referenced consolidated ERISA action. On May 24, 2013, the parties advised Your Honor that the parties had scheduled a mediation before United States District Court Judge Layn R. Phillips (Ret.) on August 21 and 22, 2013, and requested that Your Honor defer consideration of Defendants' pending motions to dismiss (the "Motions"<sup>2</sup>). Your Honor endorsed the parties' request and terminated Defendants' Motions for statistical purposes, without prejudice to reinstatement on request following the August mediation, if necessary. (Doc. No. 201).

We now write on behalf of all parties to advise Your Honor that the mediation did not result in a resolution of the action. Therefore, Defendants respectfully request that the Motions be reinstated at this time.

Additionally, Defendants wish to advise Your Honor of a recent decision from the Second Circuit Court of Appeals, *Rinehart v. Akers*, 2013 WL 3491281 (2d Cir. July 15, 2013) (hereinafter, "*Lehman*"), which Defendants believe impacts the Motions. The parties have agreed, subject to Your Honor's approval, to submit short supplemental briefs addressing solely the *Lehman* decision, pursuant to the following schedule:

<sup>1</sup> The "Individual Defendants" represented by Weil, Gotshal & Manges LLP are Edward Bacon, Joseph Cella, Robert Cole, John Q. Doyle, Georgia Feigel, David Fields, Anthony Galioto, Howard Greene, Richard Grosiak, David Junius, Andrew Kaslow, Gary Reddick, Charles Schader, Stephen Schoepke, Kathleen Shannon, Robert Thomas, Edmund S.W. Tse, and Thomas Wright.

<sup>2</sup> Docket Nos. 139, 143, 147, 150, 153, 155, 157, 159, 161, 163, 165, 167, 169, 171, 173, and 181.

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Weil, Gotshal & Manges LLP

- Supplemental Brief on *Lehman* on Behalf of All Defendants: September 20, 2013 (10 pages);
- Plaintiffs' Supplemental Opposition Brief on *Lehman*: October 11, 2013 (12 pages); and
- Supplemental Reply Brief on *Lehman* on Behalf of All Defendants: October 25, 2013 (5 pages).

Finally, the parties note that a Final Pre-Trial Conference is currently scheduled to be held before Your Honor on September 20, 2013 at 3:00 p.m. Given the current procedural posture of the action, the parties do not believe that proceeding with the September 20th conference would be efficient or necessary, and respectfully request that Your Honor postpone the conference until a later date of Your Honor's choosing.

Respectfully submitted,



Nicholas J. Pappas

The reinstatement request  
is granted as of today's  
date, and the proposed  
briefing schedule is approved.

The final pretrial conference  
is adjourned to February 28,  
2014, at 11:00 AM and the  
preconference consultation and  
submission requirements in connection  
therewith are  
SO ORDERED. <sup>suspended pending</sup>  
<sup>further order of the Court.</sup>

NEW YORK, NY

  
LAURA TAYLOR SWAIN

Sept 4, 2013 UNITED STATES DISTRICT JUDGE